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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/070,394

07/02/2002

Gino Daniel De-Gol

70471

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05/20/2003

MCGLEW & TUTTLE, PC
SCARBOROUGH STATION
SCARBOROUGH, NY 10510

EXAMINER

NGUYEN, KIEN T

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 05/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,394

Applicant(s)

DE-GOL, GINO DANIEL

Examiner

Kien T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10,12-14,16-24,26,27,30-37,41,42,52-54,57-66 and 68-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10,12-14,16-24,26,27,30-37,41,42,52-54,57-66 and 68-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

Claims 20-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are confusing because they depend directly or indirectly upon canceled claim 9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-8, 10, 12-14, 16-19, 24, 26, 27, 30, 31, 37, 41, 68-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 05158399 in view of EP 0997175.

JP ('399) disclosed an amusement ride comprising an output member having an anthropomorphic robot arm (30) with six degrees of movement, a passenger station (11) movable engagement with the output member, a platform (bottom panel of passenger station 11), a support member (51) in connection to the robot arm and being on the ground, a column (50) where the robot arm mounted thereto. The passenger station comprises one or more seats (12), means for audio-visual interaction having speakers and display means (14), the audiovisual interaction is synchronized with movements of the ride via data carrier (16) in the form of a video player (16) or any equivalent device

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and connected to the controller (70) adjacent the passenger entrance. Means for rotating the column (50) about Z6 axis that is parallel to the axis of the column. The column (50) can be mounted on a roller coaster or any equivalent ride.

It is noted that JP ('399) failed to teach a computer-controlled safety means as set forth in claim 1, and a pre-programmable controller as set forth in claim 70.

However, EP ('175) disclosed a motion simulator having a computer-controlled safety means in a form of a load sensing device (3) to prevent dynamical overload on the mechanical arm or protect the user of environment against collision and switch (4) to protect user in case of emergency; and the simulator having pre-programmable controller with programming or memory for controlling the movement of the arm (see column 2, lines 47-51). Therefore, it would have been obvious to one of ordinary skill in the art to modify the simulator of JP ('399) with the teachings of EP ('175) as discussed above for the advantage of enhance safety as well as efficiency.

As for claims 37 and 41, the use of a ticket in a form of a plastic card with bar code for admitting to an amusement ride or purchasing an item is very well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to provide JP ('399) with any known device using plastic bar code card for the purpose of enhancing the flow of the passengers into the amusement ride.

Claims 3, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('399) modified by EP ('175) as applied to claim 70 above, and further in view of Knijpstra U.S. Patent 5,558,581.

It is noted that the combination of JP ('399) and EP ('175) failed to teach the arm being connected to a wall or a ceiling as set forth in these claims. However, Knijpstra showed an amusement ride having a rotatable seat (11) with an arm (21) connected to a wall (20) or any equivalent surface. Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of JP ('399) and EP ('175) with the teachings of Knijpstra for the purpose of providing different sensations for the ride.

Claims 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('399) modified by EP ('175) as applied to claim 1 above, and further in view of Meader U.S. Patent 6,079,982.

It is noted that the combination of JP ('399) and EP ('175) failed to teach the use of the controller as set forth in these claims. However, Meader showed a simulator having a joystick controller (36) (Fig. 5) and other controllers (34-39) controlled by the passenger (see column 5, lines 20-40). Therefore, it would have been obvious to one of ordinary skill in the art to modify the combination of JP ('399) and EP ('175) with the controllers as taught by Meader for the purpose of allowing the passenger to control various motions of the station.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('399) modified by EP ('175) as applied to claim 1 above, and further in view of Maynes U.S. Patent 870,378.

It is noted that the combination of JP ('399) and EP ('175) failed to teach the use of a platform with the steps as set forth in these claims. However, such platform in an amusement ride is very well known in the art as evidenced by platform (29) of

Maynes. Therefore, it would have been obvious to one of ordinary skill in the art to modify the amusement ride of JP ('399) and EP ('175) with the platform as taught by Maynes for the advantage of allowing the operator to raise the passenger station to an elevated position.

Claims 60-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP ('399) modified by EP ('175) as applied to claim 1 above, and further in view of Hayashigawa U.S. Patent 5,865,624.

It is noted that the combination of JP ('399) and EP ('175) failed to teach the use of additional passenger station interacting with each other as set forth in these claims. However, Hayashigawa teach a plurality of motion simulators (10, 12) interacting with each other by various electronic signal transmitters (24). Therefore, it would have been obvious to one of ordinary skill in the art to modify JP ('399) and EP ('175) with the teachings of Hayashigawa for the advantage of allowing the passenger to interact with other simulator.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kien T. Nguyen whose telephone number is (703) 308-2493. The examiner can normally be reached on 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703) 308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



Kien T. Nguyen
Primary Examiner
Art Unit 3712

Ktn
May 19, 2003